



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,098	03/12/2004	Holger Edinger	A-3930	7618
24131 7590 06/15/2009 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480				
EXAMINER				
MORRISON, THOMAS A				
ART UNIT		PAPER NUMBER		
3653				
MAIL DATE		DELIVERY MODE		
06/15/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/799,098

**Applicant(s)**

EDINGER, HOLGER

**Examiner**

THOMAS A. MORRISON

**Art Unit**

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-8, 12, 13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 3-5 is/are allowed.
- 6) ☒ Claim(s) 6-8, 12, 13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/888)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The indicated allowability of claims 6-8, 12-13, 15 and 17 is withdrawn in view of the newly discovered reference(s) to U.S. Patent No. 3,236,517 (Lyman) and U.S. Patent No. 3,243,181 (Lyman). Rejections based on the newly cited reference(s) follow. The examiner regrets any inconvenience that may have resulted from this new Office Action.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6-8, 12-13 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,236,517 (Lyman).

Regarding claim 6, Figs. 1-27 show an apparatus for guiding sheets to a sheet processing machine, the apparatus comprising:

a lifting device (Fig. 12) for reducing an adhesion force between two sheets following one another in an overlapping stream by lifting a sheet trailing edge of a first sheet, the lifting device (Fig. 12) disposed above the first sheet of the overlapping stream, the lifting device (Fig. 12) including at least one nozzle (including 48, 47 and 44) with an air jet (44) aimed in a sheet transport direction substantially tangentially over the first sheet of the overlapping stream, and the lifting device (Fig. 12) having a free jet nozzle (Fig. 8) in addition to the nozzle (including 48, 47 and 44), the free jet nozzle

(Fig. 8) being disposed upstream of the at least one nozzle (including 48, 47 and 44) in the sheet transport direction, and the free jet nozzle (Fig. 8) being aimed at the overlapping sheet stream obliquely from above in the sheet transport direction.

Regarding claim 7, Fig. 1 shows a front edge alignment device (34 in Fig. 1), the lifting device (Fig. 12) being disposed at a distance of a sheet length to be processed from the front edge alignment device. Thus, Fig. 1 meets the limitations of claim 7.

Alternatively, it is noted that in the recitation "said lifting device being **disposed at a distance of a sheet length to be processed from the front edge alignment device**" in claim 7, the bolded portion of this recitation is based upon the media that is handled by the apparatus. As such, this bolded portion does **not** distinguish claim 7 from the prior art apparatus of Lyman, particularly in view of MPEP 2115.

Regarding claim 8, Figs. 1-27 show that the lifting device (Fig. 12) can be adjusted in the sheet transport direction to a sheet format to be processed. For example, the lifting device (Fig. 12) is mounted to a base 30 by brackets (42 and 43) that can be removed and repositioned on the base 30 to adjust the position of the lifting device on the base 30.

Regarding claim 12, Figs. 1-27 show that the nozzle (including 48, 47 and 44) is formed as a blowing/suction nozzle and can be acted on with blown air.

Regarding claim 13, the nozzle (including 48, 47 and 44) is formed as a suction gripper and can be acted on with a vacuum.

Regarding claim 15, Figs. 1-27 show that at least one of the nozzle (including 48, 47 and 44) and the free jet nozzle (Fig. 8) can be activated at a cycle rate of the sheet processing machine.

Regarding claim 16, Figs. 1-27 show a printing press, comprising:

a sheet stack feeder (including elements 74-76);

a first lifting apparatus (including element 48 near reference numeral 70 in Fig. 12) for forming an overlapping stream and disposed adjacent the sheet stack feeder (including elements 74-76); and

a second lifting apparatus (including one of the elements 48 and one of the elements 62 in Figs. 8 and 12) for reducing an adhesion force between two sheets following one another in an overlapping stream by lifting a sheet trailing edge of a first sheet, the second lifting apparatus (including one of the elements 48 and one of the elements 62 in Figs. 8 and 12) disposed above the first sheet of the overlapping stream and downstream of the first lifting apparatus (including element 48 near reference numeral 70 in Fig. 12) in a sheet transport direction, the second lifting apparatus (including one of the elements 48 and one of the elements 62 in Figs. 8 and 12) including at least one nozzle (44) with an air jet aimed in the sheet transport direction substantially tangentially over the first sheet of the overlapping stream, and the second lifting apparatus (including one of the elements 48 and one of the elements 62 in Figs. 8 and 12) having a free jet nozzle (61) in addition to the nozzle (44), the free jet nozzle (61) being disposed upstream of the at least one nozzle (44) in the sheet transport

direction, and the free jet nozzle (61) being aimed at the overlapping sheet stream obliquely from above in the sheet transport direction.

Regarding claim 17, Figs. 1-27 show that the nozzle (including 48, 47 and 44) and the free jet nozzle (Fig. 8) are spaced apart from each other in the sheet transport direction.

3. Claims 6, 12-13, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,243,181 (Lyman).

Regarding claim 6, Figs. 1-6 show an apparatus for guiding sheets to a sheet processing machine, the apparatus comprising:

a lifting device (Fig. 1) for reducing an adhesion force between two sheets following one another in an overlapping stream by lifting a sheet trailing edge of a first sheet, the lifting device (Fig. 1) disposed above the first sheet of the overlapping stream, the lifting device (Fig. 1) including at least one nozzle (including 46) with an air jet (Fig. 3) aimed in a sheet transport direction (63) substantially tangentially over the first sheet of the overlapping stream, and the lifting device (Fig. 1) having a free jet nozzle (including 64) in addition to the nozzle (including 46), the free jet nozzle (including 64) being disposed upstream of the at least one nozzle (including 46) in the sheet transport direction, and the free jet nozzle (including 64) being aimed at the overlapping sheet stream obliquely from above in the sheet transport direction.

Regarding claim 12, Figs. 1-6 show that the nozzle (including 46) is formed as a blowing/suction nozzle and can be acted on with blown air.

Regarding claim 13, the nozzle (including 46) is formed as a suction gripper and can be acted on with a vacuum.

Regarding claim 15, Figs. 1-27 show that at least one of the nozzle (including 46) and the free jet nozzle (including 64) can be activated at a cycle rate of the sheet processing machine.

Regarding claim 17, Figs. 1-6 show that the nozzle (including 46) and the free jet nozzle (including 64) are spaced apart from each other in the sheet transport direction.

***Allowable Subject Matter***

4. Claims 1 and 3-5 are allowed.

***Response to Arguments***

5. Applicant's arguments with respect to claim 16 has been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS A. MORRISON whose telephone number is (571)272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/  
Supervisory Patent Examiner, Art  
Unit 3653

6/9/09